

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DON MITCHELL,

Plaintiff,

v.

READY WILLING & ABLE OR THE

DOE FUND,

Defendant.

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CIVIL ACTION NO. 18-CV-3678

ORDER

AND NOW, this 29th day of August, 2018, upon consideration of Plaintiff Don Mitchell's motion for leave to proceed *in former pauperis* (ECF No. 1), his *pro se* Complaint (ECF No. 2), and motion for appointment of counsel (ECF No. 3), it is hereby **ORDERED** that:

1. Mitchell's motion to proceed *in forma pauperis* is **GRANTED**.
2. The Complaint is **DEEMED** filed.
3. Pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and Rule 8 of the Federal Rules of Civil Procedure, the Complaint is **DISMISSED, without prejudice**, for failure to state a claim, consistent with the reasons set forth in the accompanying Memorandum.
4. Mitchell is given leave to file an amended complaint within thirty (30) days of the date of this Order in the event that he can state plausible claims that cure the defects noted in the Court's Memorandum. Any amended complaint shall be a complete document that identifies all of the defendants in the caption as well as in the body, and shall describe in detail the basis for Mitchell's claims against each defendant. Upon the filing of an amended complaint, the Clerk of Court shall not make service until so **ORDERED** by the Court.

5. The Clerk of Court is **DIRECTED** to provide Mitchell with another blank copy of this Court's current form complaint for a plaintiff filing an employment discrimination lawsuit bearing the civil action number for this case. Mitchell may use this form to file his amended complaint.

6. Mitchell's motion for appointment of attorney (ECF No. 3) is **DENIED**.

7. If Mitchell fails to file an amended complaint within thirty days, his case may be dismissed for failure to prosecute without further notice.

BY THE COURT:

/s/ Nitza I. Quiñones Alejandro

NITZA I. QUIÑONES ALEJANDRO

Judge, United States District Court